

THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL is scheduled to be held on **MONDAY OCTOBER 26, 2009**, following Public Hearings and the meetings of certain Committees at 6:00 p.m., in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCK'S CORNER, S. C.**

CALL TO ORDER

APPROVAL OF MINUTES:

Special Meeting of Council	September 14, 2009
Public Hearings: Bills Numbered: 09-33, 09-34, 09-35 and 09-36	September 28, 2009
Public Hearing: Bill Numbered: 09-39, Pig Center, LLC, to JL Woode Ltd., LLC.	September 28, 2009
Regular Council Meeting	September 28, 2009

PUBLIC DISCUSSION - Requests to be heard must be made prior to call to Order and comments must be limited to Agenda items only.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

1. Bill No. 09-30, an **ordinance** authorizing the amended and restated Fee In lieu of Tax Agreement (the "amended and restated fee agreement") by and between Berkeley County, South Carolina and **HW BERKELEY PHASE II-A, LLC, HW BERKELEY PHASE II-B, LLC, HW BERKELEY PHASE II-C, LLC, HLIT IV SC-1, L.P. AND HLIT IV SC-2, L.P.** (the "parties"), and the bifurcation thereof, the result of which shall be two separate amended and restated fee in lieu of tax agreements titled as follows: (1) the amended and restated fee in lieu of tax agreement by and between Berkeley County, South Carolina and **HW BERKELEY PHASE II-A, LLC, HW BERKELEY PHASE II-B, LLC AND HW BERKELEY PHASE II-C, LLC** ("phase two"); and (2) the amended and restated fee in lieu of tax agreement by and between Berkeley County, South Carolina and **HLIT IV SC-1, L.P. AND HLIT IV SC-2, L.P.**

(“phase one”), in consideration of additional on-going investment by the company; and other matters relating to the foregoing.

[Recommended by Committee on Finance]

2. Bill No. 09-38, an ordinance to amend the Code of Ordinances, Berkeley County, South Carolina, regarding the regulation of the use of public and private water distribution systems.

[Recommended by Committee on Water and Sanitation]

3. Bill No. 09-40, an ordinance to amend Ordinance No. 97-4-18 to allow for changes in the preference that is given to Berkeley County and South Carolina businesses in the awarding of county contracts.

[Recommended by Committee on Public Works and Purchasing]

SECOND READING:

1. Bill No. 09-41, an ordinance to amend and clarify certain sections of Ordinance Number 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, “Berkeley County Zoning Ordinance” and amending Ordinances Numbered 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, and 07-07-43, in regard to the proposed creation of an Arterial Roads Overlay District.

[Recommended by Committee on Land Use]

2. Bill No. 09-42, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: David and Joanne Wenger, 101 Tall Pines Road, Ladson, TMS #242-03-03-002 (0.51 +/- acres), from R-1, Single Family Residential District to PD-OP/IP, Planned Development Office Park/Industrial Park District. Council District No. 5.

[Recommended by Committee on Land Use]

3. Bill No. 09-43, an ordinance amending Ordinance Number 09-07-35 providing for the fiscal year beginning July 1, 2009, and ending June 30, 2010, for the Tall Pines Special Tax District revenues and expenditures.

[Recommended by Committee on Finance]

4. Bill No. 09-44, an ordinance authorizing the execution and delivery of a Fee Agreement between Berkeley County, South Carolina and Joseph T. Ryerson & Son, Inc.; and matters relating thereto.

[Recommended by Committee on Finance]

FIRST READING:

1. Bill No. 09-45, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: John & Miriam Mitchum, located 2,000 +/- L.F.

from the intersection of N. Highway 52 and 17A on North Highway 17A, Moncks Corner, **TMS #123-00-02-030** (3.0 Acres), **from GC, General Commercial District to F-1, Agricultural District**. Council District No. 8.

[Recommended by Committee on Land Use]

2. Bill No. 09-46, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Caroline Gethers** for Heirs of Caroline Gethers, 307 N. Live Oak Drive, Moncks Corner, **TMS #142-04-02-048** (1.65 acres) **from GC, General Commercial District to F-1, Agricultural District**. Council District No. 8.

[Recommended by Committee on Land Use]

3. Bill No. 09-47, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Norman Sanders** for First Citizens Bank & Trust Co, Inc., 909 Black Oak Road, Bonneau, Portion of **TMS #068-04-03-021** (0.1864 acre) **from R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 6.

[Recommended by Committee on Land Use]

4. Bill No. 09-48, an ordinance to amend the agreement for **Development of a Joint County Industrial Park** executed on April 24, 1995, by and among **Berkeley County, South Carolina and Williamsburg County, South Carolina**, providing for the Development of a jointly owned and operated Industrial/Business park so as to include additional property in both Berkeley County and Williamsburg County as part of the Joint County Industrial Park and other matters related thereto.

[Recommended by Committee on Finance]

5. Bill No. 09-49, an ordinance providing for the **transfer of authority for conducting municipal elections** in the City of Goose Creek to Berkeley County Voter Registration and Election Commission.

[Recommended by Committee on Community Services]

RESOLUTIONS:

1. RESOLUTION providing for the **Transfer of Funds** in the **2009-2010 Berkeley County Budget** for County purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. RESOLUTION in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (**Goodwill Industries of Lower South Carolina, Inc. Project**) Series 2009, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$25,500,000.

[Recommended by Committee on Finance]

3. RESOLUTION proclaiming the week of **October 23 – 31, 2009**, as **National Red Ribbon Week in Berkeley County.**

[Recommended by Committee on Finance]

4. RESOLUTION granting extra **Holiday leave** in recognition of the **2009 Holiday Season.**

[Recommended by Committee on Finance]

5. RESOLUTION determining that **Pine Tree Cablevision Associates** is not in compliance with the Berkeley County Cable Television Ordinance.

[Recommended by Committee on Finance]

6. RESOLUTION approving the assignment of existing fee-in-lieu of tax arrangements with Berkeley County by **Lanxess Corporation** to **Cooper River Partners, LLC**, or its permitted designee

[Recommended by Committee on Finance]

PROCLAMATION:

1. Proclamation for National Friends of Libraries Week

[Recommended by Committee on Community Services]

REPORTS FROM STANDING COMMITTEES:

1. Committee on Finance.

Council Member, Mr. Jack H. Schurlknight, Chairman.

2. Committee on Land Use.

Council Member, Mr. Phillip Farley, Chairman.

- a.** Approval for an extension of time for filing for agricultural use for 2008 Assessment on **TMS #240-00-01-005 and 011.** [Ms. Mary Alice Knight]

3. Committee on Public Works and Purchasing.

Council Member, Mr. Robert O. Call, Jr., Chairman.

- a.** Adoption of guidelines for Selection of Local Street Resurfacing projects.
- b.** Vender Selection for CMMS Implementation.

4. Committee on Justice and Public Safety.

Council Member, Mr. Steve C. Davis, Chairman.

- a.** Approval to purchase Upgrade for Computer Aided Dispatch System.
- b.** Approval of sole source for CAD System from Interact 911/AT&T.
- c.** Acceptance of EMS Grant-in-aid to purchase GPS systems and a ruggedized computer for EMS Department.

5. Committee on Water and Sanitation.

Council Member, Mr. Timothy J. Callanan, Chairman.

6. Committee on Planning and Development.

Council Member, Mrs. Cathy S. Davis, Chairman.

7. Committee on Community Services.

Council Member, Mr. Caldwell Pinckney, Jr., Chairman.

- a. Acceptance of American Recovery and Reinvestment Act Grant for Library System.

8. Committee on Human Services.

Council Member, Mr. Dennis Fish, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE

AERONAUTICS COMMISSION

BCD RURAL TRANSPORTATION MANAGEMENT ASSOCIATION

DEVON FOREST SPECIAL TAX DISTRICT

LIBRARY BOARD

MENTAL HEALTH BOARD

SANGAREE SPECIAL TAX DISTRICT

SPECIAL FIRE TAX DISTRICT ADVISORY COMMISSION

TALL PINES SPECIAL TAX DISTRICT

TAX ASSESSMENT REVIEW BOARD

ZONING APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

THE NOVEMBER 2009, REGULAR MEETING OF BERKELEY COUNTY COUNCIL WILL BE HELD ON MONDAY NOVEMBER 23, 2009, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND OTHER COMMITTEE MEETINGS AT 6:00 PM, IN THE ASSEMBLY ROOM OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

October 21, 2009
S/Barbara B. Austin, CCC
Clerk of County Council